

### **REMARKS/ARGUMENTS**

The office action of April 7, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

The withdrawal of the rejections over Tai, Nasuno, and Court as well as the indication that claims 10, 13, 15-20, 22 and 23 would be allowable if rewritten in independent form are appreciated.

Claims 1, 3-9 and 11 stand rejected under 35 U.S.C. 102(b) in view of Miller (U.S. Patent No. 3,026,650) and claims 24-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Miller. Applicants disagree that plant cuttings (i.e. plants that are severed from their roots) could be in the ground, vase, or window box as they would then not be transportable. However the Examiner suggests that the negative limitation "no support in the ground or soil" will overcome this rejection. Claim 1 has been amended in accordance with the Examiner's suggestion. Support that the plant cuttings are not in the ground or in soil is found in Figures 1 and 8 as well as the description of the transport of plant cuttings.

Miller cannot be used to transport plant cuttings having no support in the ground or soil. Miller is directed to plants planted in soil. Miller does not clamp the plants but provides a loose cord around the plant to support the plant in a vertical direction. Plant cuttings would simply fall over in Miller's system and certainly not be held in substantially parallel to each other as required by the instant claims. In addition, Miller is directed to a device that is *itself* planted in the ground in order to provide a support structure for growing plants. Miller is not directed to a device that can transport plants. Withdrawal of the rejections over Miller is requested.

Claims 1, 3-8, 11-12 and 21 stand rejected under 35 U.S.C. 102(b) in view of newly cited Tashiro (Japanese Patent No. JP401267180A). Claims 9, 14 and 24-26 are rejected under 35 U.S.C. 103(b) as being unpatentable over Tashiro.

Tashiro is directed to holding flowers in a closed space composed of a box body, a lid,

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and heat insulating members to prevent contact with outside air. Tashiro does not describe a series of clamping elements which are fixed to a carrier and which are each adapted to clamp a plant cutting, wherein the center of each of the clamping elements is situated substantially in the same central plane, wherein the central plane extends at a right angle to the plant cuttings.

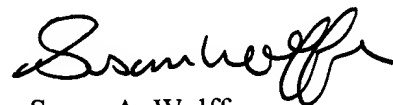
The Examiner refers to Figures 8 and 11. Figure 8 depicts tubes (31) which can be placed in holder (51) of the carrier (shown in Figure 11.) These tubes can be held in a box as shown in Figure 14 or clamped in a box as shown in Figure 13. The tubes, not the plant cuttings, are held or clamped. The plant cuttings are positioned in the tubes.

Moreover, even if the tubes of Figure 8 were considered to be clamping means, the tubes are not fixed to the carrier as required by claim 1. The tubes are instead clamped to the carrier and can be removed. Tashiro does not teach or suggest the instant claims. Withdrawal of the rejections over Tashiro is requested.

### **CONCLUSION**

In view of the above remarks, withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,



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